

## Message Text

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ORIGIN SCSE-00

INFO OCT-01 ISO-00 L-02 H-02 DODE-00 EA-10 /015 R

DRAFTED BY SCA:SCS:RJBOYLAN:GJL

APPROVED BY SCA:SCS:LELANE

SCA:SCS:LPMULLIN

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

UNCLAS STATE 028556

E.O. 11652:N/A

TAGS: CGEN (OWENS, JAMES C. JR.)

SUBJECT: NAVY RULING CONCERNING VALIDITY OF DIVORCES IN  
JAPAN

REF: TOKYO 1235

1. THE DEPARTMENT HAS CONTACTED THE LEGAL ASSISTANCE  
DIVISION OF THE JUDGE ADVOCATE GENERAL'S OFFICE, USN, TO  
EXPRESS OUR INTEREST IN THE REFERENCED RULING. JAG  
INDICATES THAT PETTY OFFICER OWENS IMMEDIATE PROBLEMS  
MAY BE SOLVED BY REMARRYING MS. ESTRUP INASMUCH AS HIS FIRST  
WIFE OBTAINED A MICHIGAN DIVORCE FROM OWENS IN NOV. 73.  
THE U.S. DIVORCE REMOVES ANY IMPEDIMENT TO A MARRIAGE  
OCCURRING AFTER NOV. 73.

2. HOWEVER, JAG INDICATES THAT IT WILL CONTINUE TO APPLY  
THE REASONING WHICH LED TO THE DECISION IN OWENS' CASE,  
NAMELY, THAT SERVICEMEN STATIONED ABROAD CANNOT ACQUIRE A  
RESIDENCE IN THE COUNTRY IN WHICH THEY ARE STATIONED; THAT  
THEIR RESIDENCE THEREFORE REMAINS IN ONE OF THE 50 STATES;  
THAT THE 50 STATES HAVE EXCLUSIVE JURISDICTION TO DETERMINE  
THE VALIDITY OF THEIR RESIDENTS' DIVORCES, NO MATTER WHERE  
OBTAINED; THAT THE STATES HAVE VARYING OPINIONS AS TO THE  
VALIDITY OF FOREIGN DIVORCES; AND THAT THERE IS CONSEQUENTLY  
A CLOUD OVER THE MARRIAGE, AT LEAST TO THE EXTENT THAT THE  
NAVY WILL NOT DISBURSE FUNDS ON THE BASIS OF SUCH A MARRIAGE  
ABSENT A STATE RULING (I.E. DECLARATORY JUDGEMENT) CONFIRM-  
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ING ITS VALIDITY. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
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**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Disposition Case Number:** n/a  
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